

1 ANDRÉ BIROTTE JR.
United States Attorney
2 ROBERT E. DUGDALE
Assistant United States Attorney
3 Chief, Criminal Division
STEVEN R. WELK
4 Assistant United States Attorney
Chief, Asset Forfeiture Section
5 FRANK D. KORTUM
Assistant United States Attorney
6 Asset Forfeiture Section
California Bar No. 110984
7 1400 United States Courthouse
312 North Spring Street
8 Los Angeles, CA 90012
Telephone: (213) 894-5710
9 Facsimile: (213) 894-7177
E-Mail: Frank.Kortum@usdoj.gov

10 Attorneys for Plaintiff
11 United States of America

12 UNITED STATES DISTRICT COURT
13
14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,)
16 Plaintiff,)
17 v.)
18 \$601,613.00 IN U.S. CURRENCY,)
19 Defendant.)

NO. CV

CV12-05856 DDP (OPx)
* *
VERIFIED
COMPLAINT FOR FORFEITURE

[21 U.S.C. § 881(a)(6)]

[F.B.I.]

20
21
22
23 The United States of America brings this claim against the
24 defendant \$601,613.00 in U.S. currency ("defendant currency") and
25 alleges as follows:

26 JURISDICTION AND VENUE

27 1. This is a civil forfeiture action brought pursuant to
28 21 U.S.C. § 881(a)(6).

1 2. This court has jurisdiction over the matter under 28
2 U.S.C. §§ 1345 and 1355.

3 3. Venue lies in this district pursuant to 28 U.S.C.
4 § 1395(b).

5 PERSONS AND ENTITIES

6 4. The plaintiff is the United States of America.

7 5. The defendant is \$601,613.00 in U.S. Currency seized on
8 or about November 19, 2011 as a result of a traffic stop
9 conducted by the Ontario Police Department ("OPD") on a 2006
10 Chevrolet Tahoe being driven by Ramon Antonio Noriega ("Noriega")
11 on State Highway 60 in Ontario, California.

12 6. The defendant currency was seized by law enforcement
13 officers and is currently in the custody of the United States
14 Marshals Service in this District, where it will remain subject
15 to this Court's jurisdiction during the pendency of this action.

16 7. The interests of Noriega may be adversely affected by
17 these proceedings.

18 8. Plaintiff alleges that the defendant currency was
19 derived from proceeds traceable to violations of 21 U.S.C. §§ 841
20 and 846, involving possession and sales of illegal drugs, or was
21 intended to be used in one or more exchanges for a controlled
22 substance. As such, the defendant currency is subject to
23 forfeiture pursuant to 21 U.S.C. § 881(a)(6).

24 EVIDENCE SUPPORTING FORFEITURE

25 9. In January 2011, the Federal Bureau of Investigation
26 ("FBI") and the Orange County Regional Narcotics Suppression
27 Program ("RNSP") received information regarding a drug
28 trafficking organization ("Organization"). The Organization was

1 involved in the sale and shipment of cocaine from Mexico to
2 Canada. Participants in the Organization would typically drive
3 currency from Canada or New York to Southern California, and from
4 there to Mexico to pay for the cocaine. One of the targets of
5 the investigation was Luis Enriquez Lopez ("Lopez").

6 10. On November 19, 2011, surveillance teams established
7 surveillance at Lopez's residence, located in South Gate,
8 California.¹ At approximately 12:33 p.m., Lopez and Noriega
9 entered Lopez's garage and walked out of the garage a few minutes
10 later. Lopez was observed carrying two weighted black bags out
11 of the garage. Lopez and Noriega then walked to a 2006 Chevrolet
12 Tahoe ("Tahoe") and both walked to the passenger side of the
13 Tahoe. Noriega climbed into the rear area of the Tahoe and
14 appeared to be manipulating something in the back. The Tahoe
15 then drove away from the area and surveillance was maintained on
16 the vehicle. Lopez returned to his residence empty handed.

17 11. At approximately 2:00 p.m., OPD officers observed the
18 Tahoe on the 60 freeway at Archibald Avenue traveling at a speed
19 of 75 miles per hour in a 65 mile an hour zone in violation of
20 California Vehicle Code § 22349(a). The vehicle also had tinted
21 windows in violation of California Vehicle Code § 26708(a)(2).
22 OPD officers observed the Tahoe begin to change lanes and then
23 straddle two lanes of traffic in violation of California Vehicle
24 Code § 21658(a).

25 12. OPD officers then conducted a traffic stop of the
26 Tahoe. While talking to Noriega, OPD officers noticed that he
27 _____

28 ¹ Pursuant to Local Rule 79-5.4, the street address of the
personal residence has been omitted.

1 was nervous. Officers asked Noriega where he lived and Noriega
2 replied that he lived in Desert Hot Springs. Noriega stated to
3 OPD officers that he was going back home from Paramount, and that
4 he had been visiting a girlfriend who kicked him out. Noriega
5 then pointed to the back seat of his Tahoe to show the officers
6 his bag of clothing.

7 13. While talking to Noriega, OPD officers noticed that
8 Noriega had multiple cell phones in the Tahoe and there were also
9 two green "Monster" energy drink stickers on his steering wheel.
10 (OPD officers through training have learned that the display of
11 "monster stickers" is a possible indicator of criminal
12 smuggling.) Noriega told OPD officers that he had been arrested
13 previously for possession of 1,700 pounds of marijuana. OPD
14 officers then asked Noriega if he had anything illegal in the
15 Tahoe. Noriega stated "no" and consented to a search of the
16 vehicle.

17 14. OPD officers asked Noriega to step out of the vehicle
18 and OPD officers noticed that Noriega had two cell phones
19 attached to his belt. OPD officers also noticed that Noriega was
20 wearing a gold necklace, which he agreed to show them when they
21 requested to see it. Images of the Virgin Mary and Jesus
22 Malverde were attached to the necklace. OPD officers through
23 training have learned that Jesus Malverde is regarded as the
24 "Patron Saint of the Drug Dealers," and that smugglers often wear
25 his image to protect them when they are engaged in smuggling
26 activities.

27 15. A narcotics detection canine was used to search the
28 Tahoe. The canine alerted to the odor of narcotics at the

1 driver's door handle, driver's side rear quarter panel and the
2 rear lift gate. Inside the Tahoe, the canine went immediately to
3 the rear cargo area of the Tahoe and then scratched at the
4 speaker box laying on the floor.

5 16. During the search of the cargo area of the Tahoe, OPD
6 officers noticed that wood screws were laying in a cupholder near
7 the speaker box. There were two speaker boxes with missing wood
8 screws. OPD officers removed the remaining screws from the first
9 speaker and found several plastic wrapped bundles of bulk U.S.
10 currency. OPD officers observed that the bundles had "20"
11 written on them. OPD officers removed the remaining screws from
12 the second speaker and saw additional plastic wrapped bundles of
13 bulk U.S. currency. The total amount seized was \$601,613.00 in
14 U.S. currency (i.e., the defendant currency).

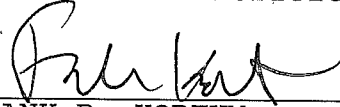
15 17. OPD officers asked Noriega about the defendant currency
16 and Noriega stated that he was unaware of any currency in the
17 vehicle. OPD officers asked Noriega if the currency belonged to
18 him and Noriega stated "no." Noriega signed a disclaimer of
19 ownership for the defendant currency. Noriega was transported to
20 the OPD station where he was charged with violating California
21 Health and Safety Code § 11370.6(a) and later released.

22 18. Based on the above, plaintiff alleges that the
23 defendant currency represents or is traceable to proceeds of
24 illegal narcotics trafficking, or was intended to be used in one
25 or more exchanges for a controlled substance or listed chemical,
26 in violation of 21 U.S.C. § 841 et seq. The defendant currency
27 is therefore subject to forfeiture pursuant to 21 U.S.C.
28 § 881(a)(6).

1 WHEREFORE, the United States prays that due process issue to
2 enforce the forfeiture of the defendant currency, due notice be
3 given to all interested parties to appear and show cause why
4 forfeiture should be not be decreed, that this court decree
5 forfeiture of the defendant currency to the United States of
6 America for disposition according to law, and for such other and
7 further relief as this court may deem just and proper, together
8 with the costs and disbursements of this action.

9 DATED: July 3, 2012

11 ANDRÉ BIROTTE JR.
12 United States Attorney
13 ROBERT E. DUGDALE
14 Assistant United States Attorney
15 Chief, Criminal Division
16 STEVEN R. WELK
17 Assistant United States Attorney
18 Chief, Asset Forfeiture Section

19 
20 FRANK D. KORTUM
21 Assistant United States Attorney
22 Asset Forfeiture Section

23 Attorneys for Plaintiff
24 United States of America
25
26
27
28

VERIFICATION

I, Jennifer A. Rudy, hereby declare that:

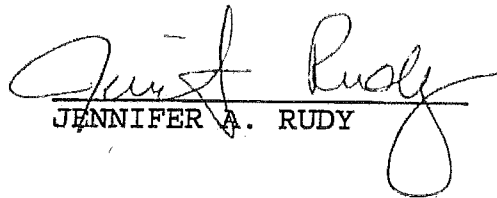
1. I am a Special Agent with the Federal Bureau of Investigation and am the case agent for the forfeiture matter entitled United States v. \$601,613.00 in U.S. Currency.

2. I have read the above Verified Complaint for Forfeiture and know its contents. It is based upon my own personal knowledge and reports provided to me by other law enforcement agents.

3. Everything contained in the Complaint is true and correct, to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed July 3, 2012 in Los Angeles, California.


JENNIFER A. RUDY

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Dean D. Pregerson and the assigned discovery Magistrate Judge is Oswald Parada.

The case number on all documents filed with the Court should read as follows:

CV12- 5856 DDP (OPx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

COPY

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)
UNITED STATES OF AMERICADEFENDANTS
\$601,613.00 IN U.S. CURRENCY

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

ANDRE BIROTTE JR., U.S. Attorney, FRANK D. KORTUM, AUSA
United States Attorney's Office, California Bar No. 110984
312 N. Spring St., 14th Floor, Los Angeles, CA 90012 (213) 894-5710

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☒ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant.)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☐ Yes ☒ No (Check 'Yes' only if demanded in complaint.)CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No

MONEY DEMANDED IN COMPLAINT: \$

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
21 U.S.C. § 881(a)(6)

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL PROPERTY	PETITIONS	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General Habeas Corpus	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 555 Prison Condition	
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE / PENALTY	
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 610 Agriculture	PROPERTY RIGHTS
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 891 Agricultural Act	REAL PROPERTY	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 640 R.R. & Truck	SOCIAL SECURITY
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation	IMMIGRATION	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 465 Other Immigration Actions			<input type="checkbox"/> 864 SSID Title XVI
	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 865 RSI (405(g))
	<input type="checkbox"/> 290 All Other Real Property				FEDERAL TAX SUITS
					<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
					<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

CV12-05856

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
 If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
 If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☒ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
San Bernardino	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): *Paul G. ...* Date 7/6/12

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))